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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,400	03/17/2005	Haral Sicke	AP051-05	5010

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EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/528,400	Applicant(s) SIEKE ET AL.	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply .

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-55 is/are pending in the application.
4a) Of the above claim(s) 41-45 and 50-55 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 34-40 and 46-49 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/17/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 41-45, and 50-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/18/2006.

Applicant's election without traverse of claims 34-40, and 46-49 in the reply filed on 9/18/2006 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed 3/17/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spindle nut must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: The first wiper guide is labeled as D, not 2D as written in the last paragraph on page 7. It is not understood what the lip (J) is. The third paragraph of page 8 of the specification makes the lip sound like it is part of the cutting unit (B), but the drawings disclose the lip being part of the wiper blade. The lip and blade are both labeled (j) on page 8 of the specification. The lip should be labeled (M). Furthermore, (C) found in Figure 6 is not disclosed in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 36 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 36 and 48 recite the limitation "the direction of movement" and "the cutting direction" in lines 2 and 3. Claim 48 also recites the limitation "the cutting direction" in line 3. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 34, 35, 37-39, 46, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeland (U.S Patent No. 5,848,471).

Regarding claim 34, Freeland teaches (see Figures 1 and 2) a wiper blade cutter (20) having a basic body (30) and a channel (50). A guide (56a and 56b) is adjacent the channel and a cutting unit (80, 84, 86, and 88) including at least one blade (80) is located adjacent the guide.

Regarding claim 35, Freeland teaches (see Figure 2) the wiper cutter further comprising a second guide (54) having a fixed width and proximate to the cutting blade (80).

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Regarding claim 37, Freeland teaches (see Figures 2, and 4) the second guide (54) has a depth that covers the portion of the wiper blade being cut.

Regarding claim 38, Freeland teaches (see Figure 1) the second guide (54) expands into a discharge passage.

Regarding claim 39, Freeland teaches (Col. 2, lines 13-19) the cutting unit is adjustably mounted on the basic body.

Regarding claims 46 and 49, Freeland teaches (Col. 4, lines 2-4; also see Figure 1) the cutting unit is fixably attached to the basic body (30) via a fastening device (88) with a spindle.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland in view of Plana (U.S Patent No. 4,693,004).

Freeland teaches all the elements of the current invention as stated above except the second blade guide tapering in the longitudinal direction of the channel from a large width to a fixed width.

Plana teaches (see Figures 2 and 4) tapering a channel from a large width to a fixed width.

It would have been obvious to have modified Freeland to incorporate the teachings of Plana to taper the channel from a large width to a smaller fixed width thereby tapering the second guide in the same way. Doing so would make it easier for a user to get the wiper blade into the wiper mechanism, especially if the wiper blade were curved or bent due to excessive use.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland in view of Nguyen (U.S Patent No. 5,044,081).

Freeland teaches all of the elements of the current invention as stated above except a spindle in said cutting unit interacting with a spindle nut mounted in a recess of the main body.

Nguyen teaches (see Figures 2, and 6) using spindles (41 and 40) for locking blades (30 and 31) and using nuts to attach the spindles to the main body. The nuts are located in recesses in the main body.

It would have been obvious to have modified Freeland to incorporate the teachings of Nguyen to provide spindles and nuts mounted in recesses in the main body to lock the blades into the main body. Spindles provide an easy way to lock and release the blades while nuts provide a locking means for the spindles that is not associated with the main body, thereby making it so a user has to only by the nut if the user strips the threading from the nut instead of having to buy the main body. Providing the nuts in a recess in the main body would allow the main body to sit flat thereby allowing for easier storage.

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12. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland in view of Applicants Admitted Prior Art, hereinafter AAPA.

Freeland teaches all of the elements of the current invention as stated above except the guide curving in the longitudinal direction of a wiper blade.

AAPA teaches (Page 4, Paragraph 3) that a curved guide and a straight guide are equivalent structures.

It would have been obvious to have modified Freeland to make the guide curved instead of straight since the examiner takes Official Notice of the equivalence of straight and curved guides, as stated by the applicant, for their use in guiding a wiper blade and the selection of either of these types of guides to form the guide of Freeland would be within the level of ordinary skill in the art.

13. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland in view of Samuelsson (U.S Patent No. 4,604,802).

Freeland teaches all of the elements of the current invention as stated above except the cutting blade being normal to a direction of movement and normal to a cutting direction.

Samuelsson teaches (see Figures 1 and 3) placing the cutting edge (107) normal to the direction of movement and the cutting direction.

It would have been obvious to have modified Freeland to incorporate the teachings of Samuelsson to make the cutting blade transverse to both the direction of movement and the cutting direction. Doing so would cut a wiper blade evenly across its width thereby making the blade wear slower.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faggioto (U.S Publication No. 2001/0034919), Ducret (U.S Patent No. 5,809,652), Danter et al (U.S Patent No. 5,381,601), Matthews (U.S Patent No. 2,013,893), Tarpill et al (U.S Patent No. 6,581,291), Belling (U.S Patent No. 6,611,571), Fabian (U.S Patent No. 3,886,657), and Carney et al (U.S Patent No. 5,285,577) teach elements of the current invention.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL

9/27/2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER